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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WILLETT, STEPHAN F

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/500,921

Applicant(s)

PESTONI, FLORIAN

Examiner

Stephan F Willett

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. Pursuant to MPEP 606.01, the title should be changed to provide a complete and detailed description of the invention. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 14, 21, 28, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of "unaffected" is unclear. Thus, it is assumed that it was meant was said programs are not hindered by the method.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an

international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 5-12, 14-18, 20-25, 27-31, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Scholl et al. with Patent Number 6,145,001.
6. Regarding claim(s) 1, 8, 16, 23, 30, Scholl teaches transferring a request to a multiplexor, col. 6-7, lines 66-1. Scholl teaches generating a plurality of instances (requests) for each server program, col. 7, lines 2-5. Scholl teaches transferring said request instances to the server, col. 7, lines 5-24. Scholl teaches transferring a plurality of responses to said multiplexor, col. 7, lines 26-33. Scholl teaches converting said responses into one response for the client, col. 7, lines 33-40.
7. Regarding claims 2, 11, 17, 24, Scholl teaches specifying a target list of instance requests, col. 7, lines 61-66.
8. Regarding claims 3, 12, 18, 25, 31, Scholl teaches selecting an operation to combine results, col. 6, lines 47-54.
9. Regarding claims 5-6, 10, 14, 20-21, 27-28, 33-34, Scholl teaches automatic instantiation and unaffected method as real time, col. 7, lines 54-55.
10. Regarding claims 7, 15, 22, 29, 35, Scholl teaches an instance of the client program as returning data to the client, col. 6, lines 50-51.
11. Regarding claims 9, Scholl teaches altering requests, col. 6, lines 25-28.

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 4, 13, 19, 26, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al. with Patent Number 6,145,001 in view of Rogers et al. with Patent Number 6,094,655.

14. Regarding claim(s) 4, 13, 19, 26, 32, Scholl teaches transferring a request to a multiplexor, col. 6-7, lines 66-1. Scholl teaches generating a plurality of instances (requests) for each server program, col. 7, lines 2-5. Scholl teaches transferring said request instances to the server, col. 7, lines 5-24. Scholl teaches transferring a plurality of responses to said multiplexor, col. 7, lines 26-33. Scholl teaches converting said responses into one response for the client, col. 7, lines 33-40. Scholl teaches specifying a target list of instance requests, col. 7, lines 61-66. Scholl teaches selecting an operation to combine results, col. 6, lines 4-54. Scholl teaches the invention in the above claim(s) except for explicitly teaching specific operations to be performed on response data. In that art, Rogers, a related data reporting system teaches "the DIS capsule has created the file containing the report results" col. 9, lines 18-19 in order to identify relevant user data. Rogers specifically teaches listing, adding, subsets, maximums, minimums and averages, col. 18, lines 60-67, col. 23, lines 44-49. Further, Rogers suggests "a capsule object, as a DIS capsule, can call other routines", col. 18, lines 445-46, 48-53 which will result from implementing the requests for data. The motivation to incorporate diverse operations insures that

Art Unit: 2141

a diverse array of presentation mediums are available. Thus, it would have been obvious to one of ordinary skill in the art to incorporate various data computations as taught in Rogers into the data retrieval system described in the Scholl patent because Scholl operates with diverse data sources and Rogers suggests that retrieved data can be reformatted into many forms. Therefore, by the above rational, the above claim(s) are rejected.

*Conclusion*

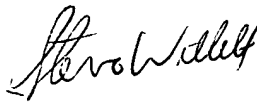
15. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. The other references cited teach numerous other ways to instantiate a single request into multiple requests and provide a single response, thus a close review of them is suggested.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605..

Stephan Willett



Patent Examiner

Application/Control Number: 09/500,921  
Art Unit: 2141

Page 6

August 21, 2003